

Social Justice Conference 2023
Masterclass

MEDIATION SKILLS

Use of language, choice of
words and neuro-linguistic
programming
[NLP] during mediation sessions

NLP

NEURO LINGUISTIC PROGRAMMING



SOCIAL JUSTICE CONFERENCE



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Overview



- General introduction and overview of NLP
- Understanding of how we process information (clients and mediators)
- Internal representational systems on how we communicate in a mediation setting (gestures, tone, posture, rate)
- The use of presuppositions & binds in mediation
- Building rapport & children
- Other NLP models / skills / techniques (practical tips)



Use of NLP during mediation sessions

The need for skills in mediation

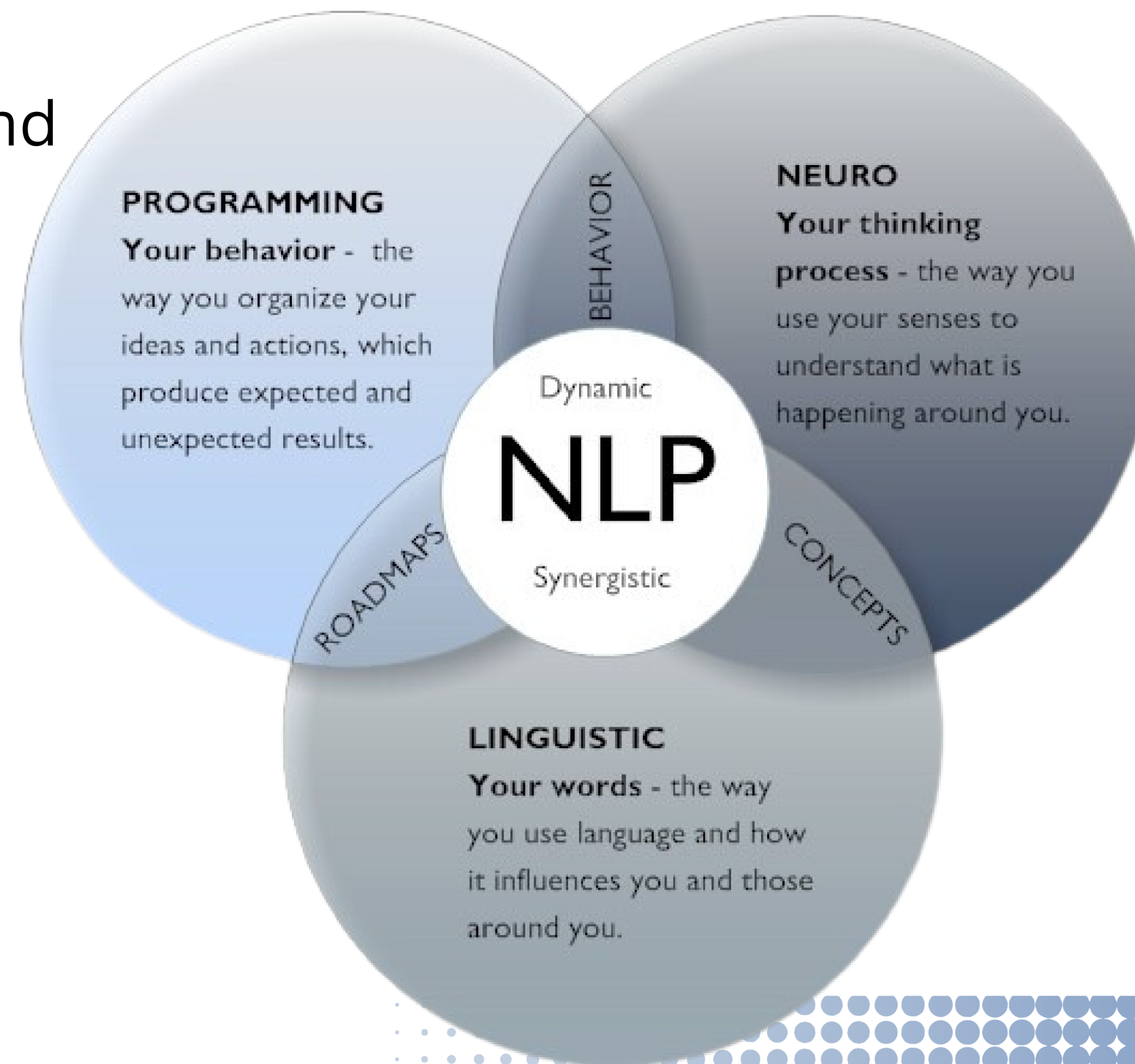


Use of NLP during mediation sessions

Neuro-Linguistic Programming.. What's in a Name?

- Neuro - thinking process, senses, understand
- Linguistic - words, influences
- Programming - behaviour, organize ideas

The NLP process involves finding out about how the brain ("neuro") operates by analyzing language patterns ("linguistic") and non-verbal communication



Use of NLP during mediation sessions

Communication models in NLP

How is it possible people can have misunderstandings?

The question is rather how can they not have misunderstandings?

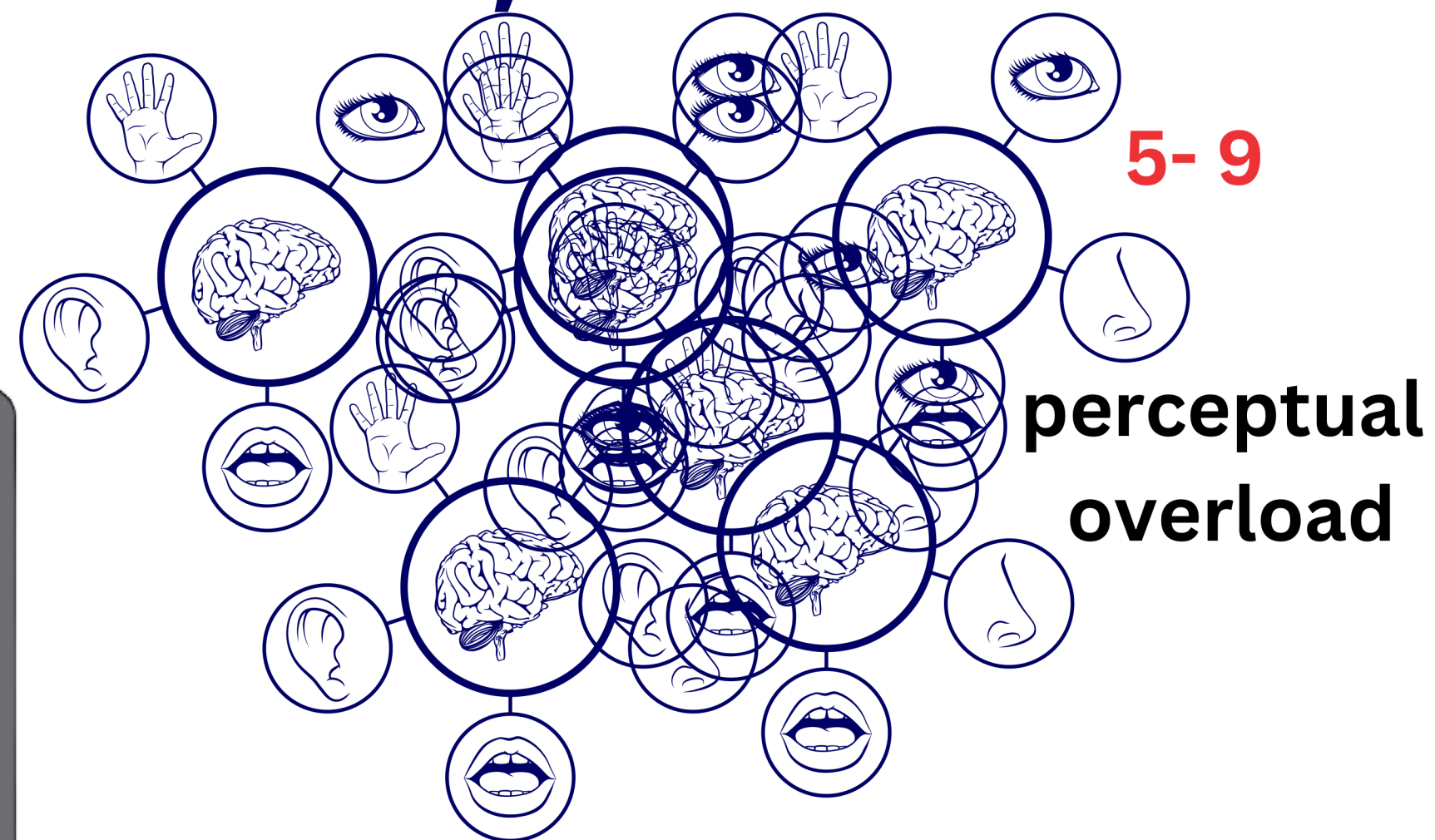
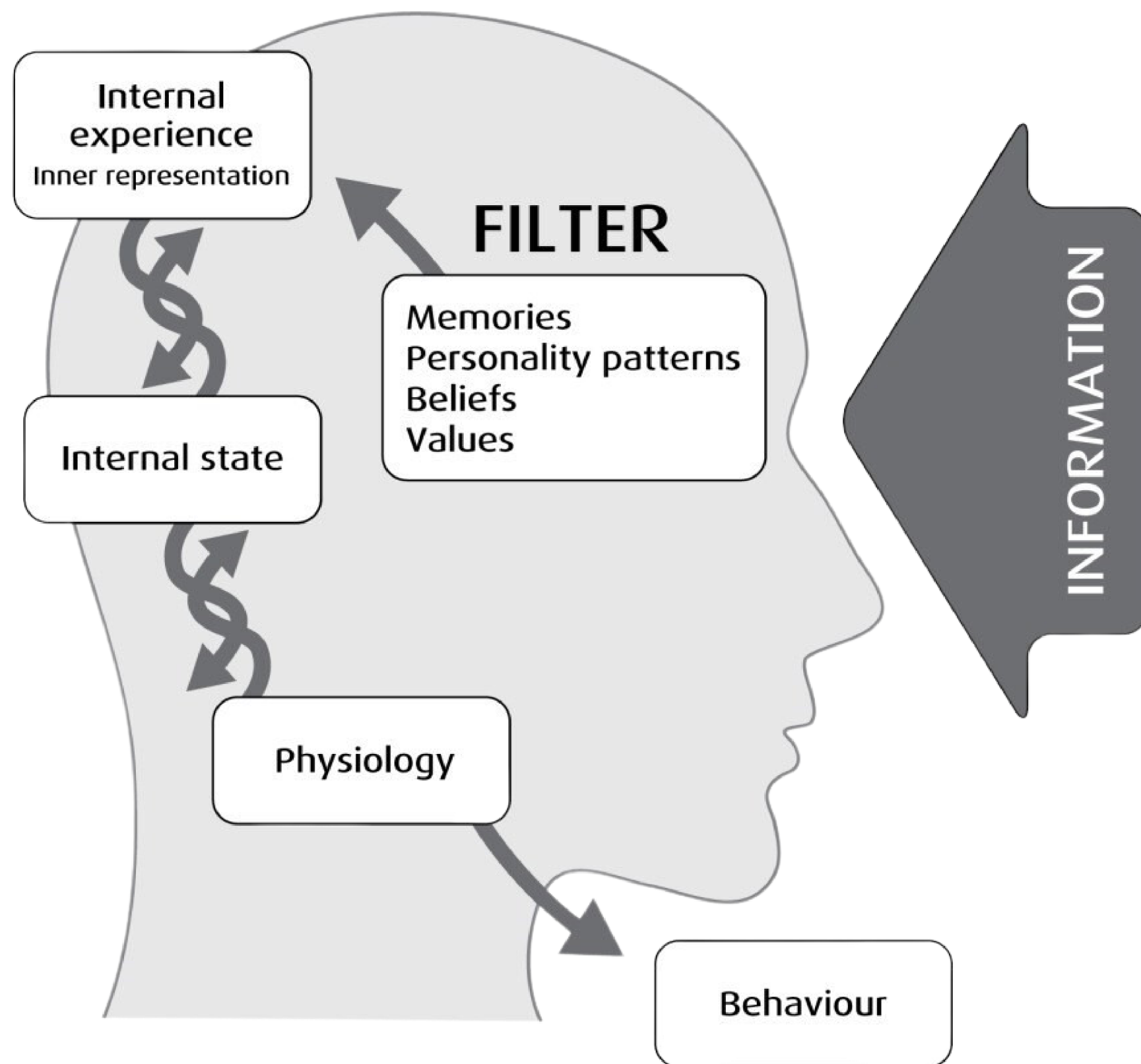
What you say
What you mean

VS

What is understood
How it is perceived

Use of NLP during mediation sessions

Dealing with Generalization, Deletion, & Distortion



Generalization

Deletion

Distortion

Use of NLP during mediation sessions

Dealing with Generalization, Deletion, & Distortion

Generalization

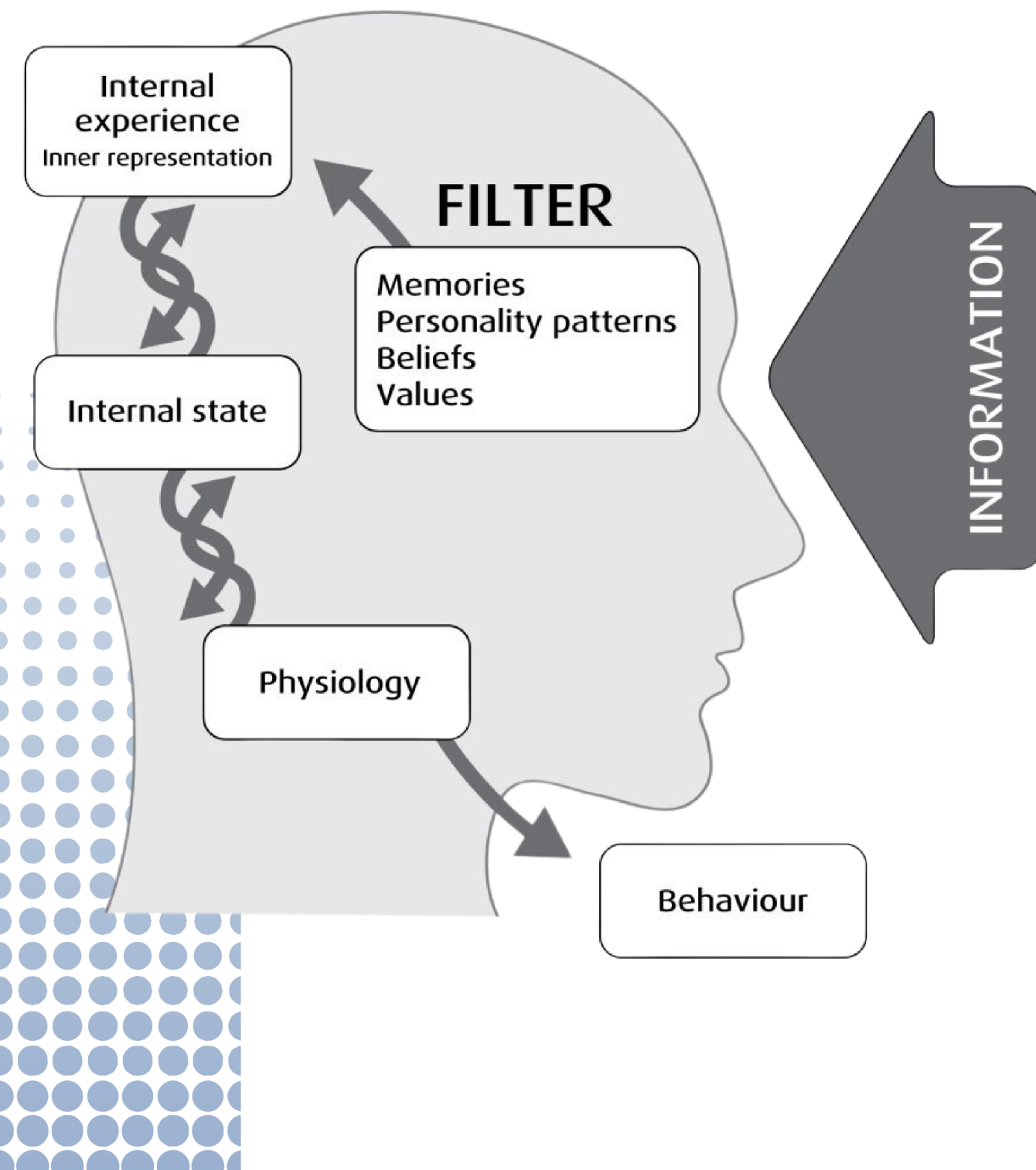
- allows us to generalize and learn from previous experience thereby eliminating the need to relearn a concept or behaviour every time we are confronted with a variation of the original

Deletion

- selectively pay attention to certain dimensions of our experience and exclude others. It is because the mind determines that the information is unimportant or hurtful

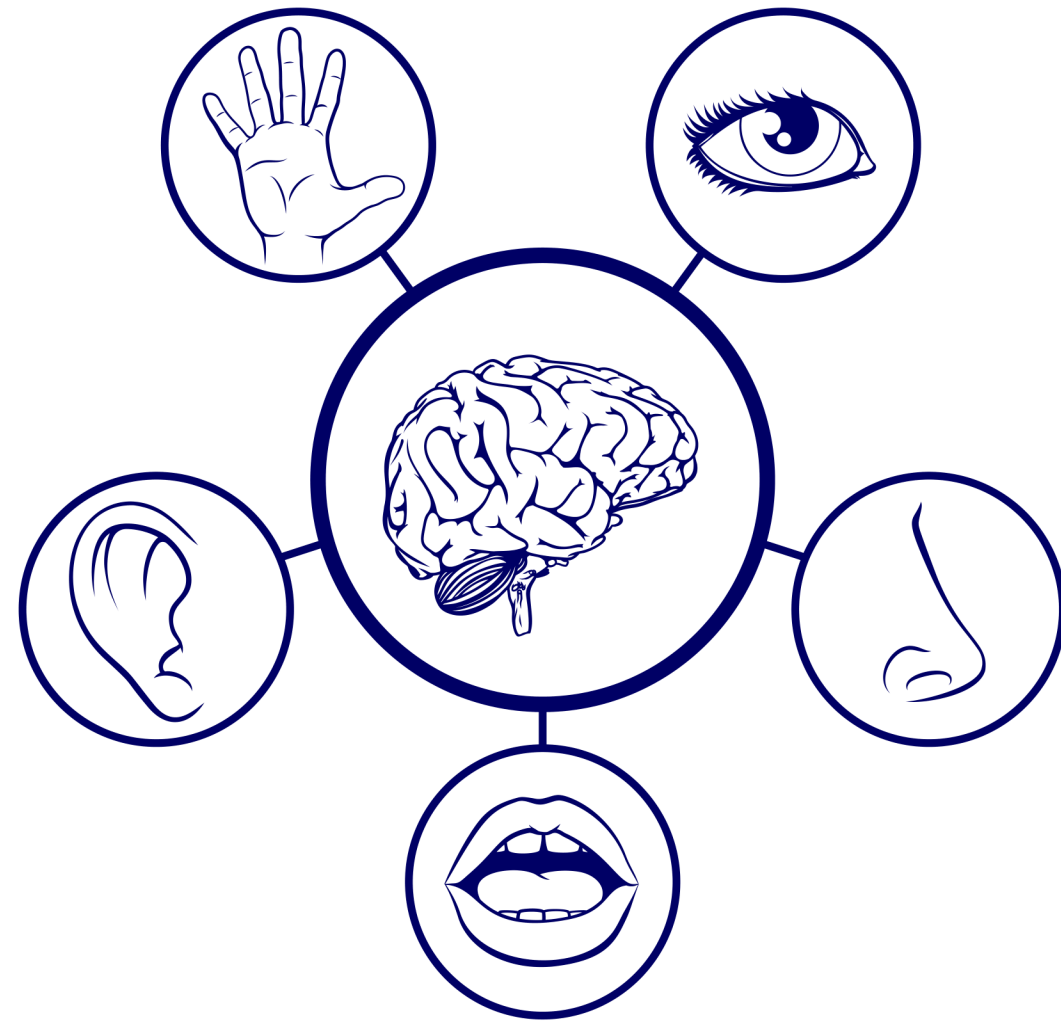
Distortion

- alter or make shifts in our perceptions, changing our experience of sensory input. It is the basis of our creativity, allowing us to plan for the future, dream and fantasize



Use of NLP during mediation sessions

Representational Systems



“I don't **see** what you're saying”

“It doesn't **sound** right”

“I can't get a **handle** on this”

“Do you **see** my point?”

“I don't **see** the benefit of negotiating further”

“Your proposal **sounds** right to me”

“He just **rubs** me the wrong way”

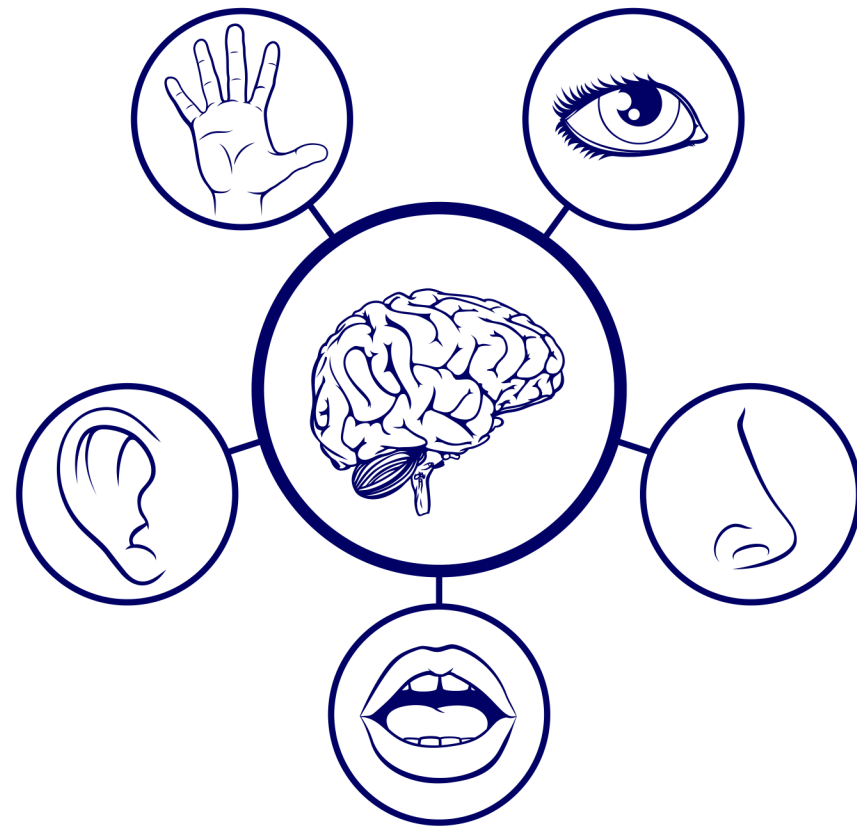
“No one **understands** what I'm going through”

“That idea doesn't **sit** right with me”

Use of NLP during mediation sessions

Representational Systems

When a person tends to use one internal sense habitually, that becomes their **preferred system or sublanguage**



Identifying Your Sublanguage ...

- eye accessing cues
- non-verbal communication
- speech patterns / words

Can We Speak the Same Language?

Visual, auditory, kinesthetic, and audiodigital



Clues to Identifying Visuals



Approximately 50% population is made up of visuals. They will tend to use words that depict a picture or an image.

A: I don't see what you are saying.

B: Let me see if I can find a way to illustrate this better.

A: I don't see the benefit of negotiating further

B: Let me paint you a picture so that you could see this from another view

A: The other party looks like they are ready to settle

B: Let's not draw to conclusions and and see what they offer

Clues to Identifying Visuals



See	Look	Picture
Focus	Viewpoint	Notice
Appear	Show	Envision
Reflect	Scan	Watch

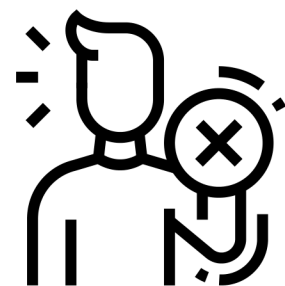
- Look at this
 - Visualize the idea
 - See it
 - Paint a picture
 - Picture this scenario
 - Focus on this
 - Preview the outline
 - Draw conclusions
 - A strategic vision
- Light at the end of the tunnel

Visual processing



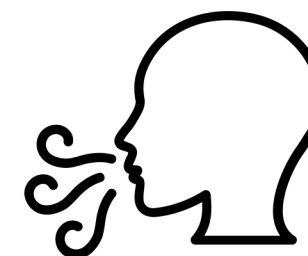
Posture

- upright posture
- hold their bodies straight, their heads tilted slight upwards
- bodies or feet will move very little
- looking at something in the air in front - looking at the pictures inside their mind space



Gestures

- hand gestures often occur above chest height, sometimes head height
- gestures may be animated and seem to be pointing to or illustrating things in the air.



Breath

- visually will exhibit shallow breathing



Rate of speech

- tend to speak quite quickly and often at a higher pitch (relative to their normal pitch register)

Use of NLP during mediation sessions

Clues to Identifying Visuals

V **CONSTRUCT**

(constructing images never seen before)

V **REMEMBERED**

Remembered or recalled images

A **CONSTRUCT**

(constructing sounds never heard before)

A **REMEMBERED**

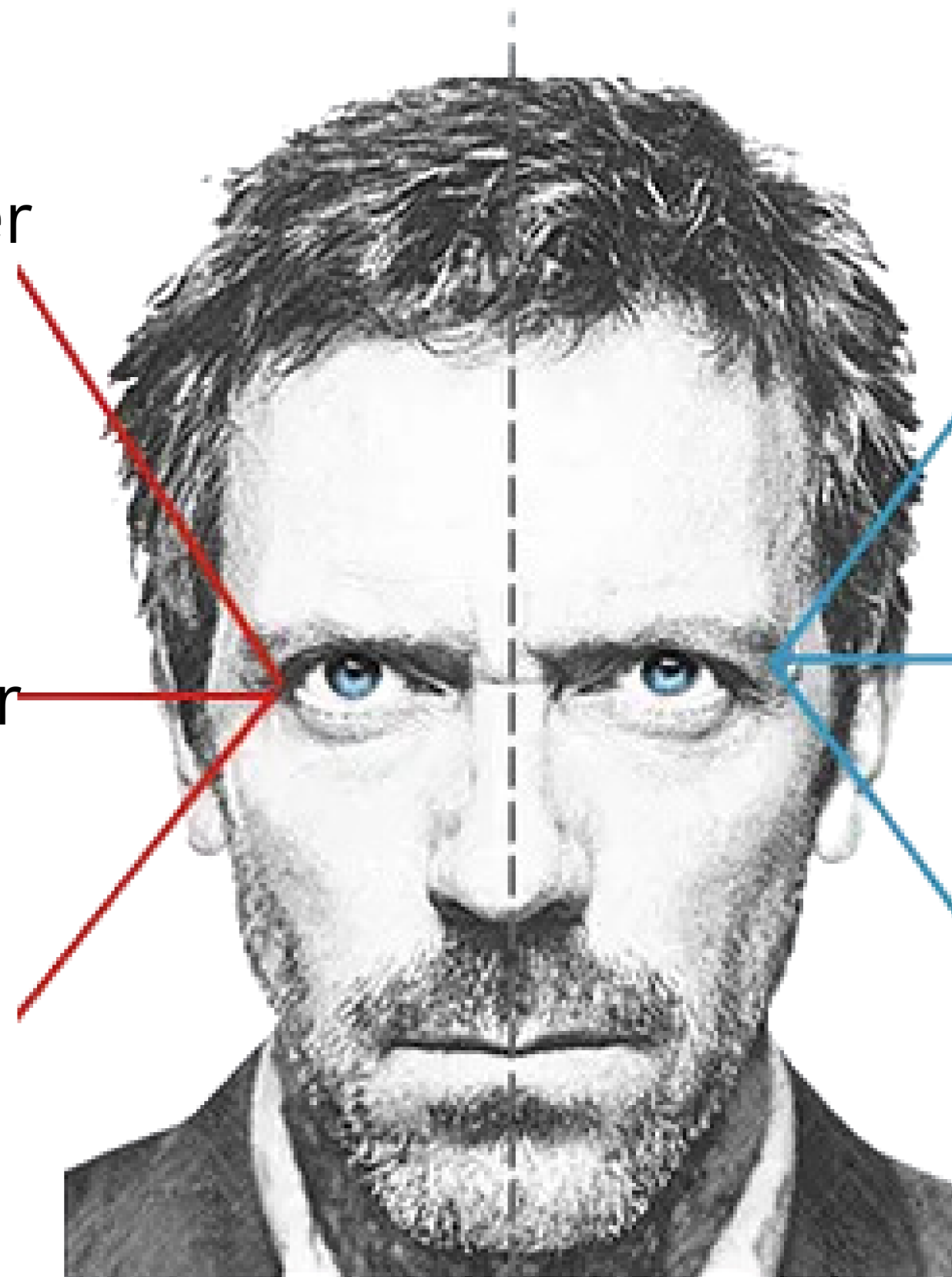
Remembered sounds

F **FEELINGS**

(accessing feelings & kinesthetic sensations (touch))

AI **INTERNAL DIALOGUE**

Talks with themselves



Clues to Identifying Auditories



Auditories habitually talk to themselves, especially when they are concentrating really hard and use auditory phrases

A: This doesn't sound right.

B: I hear you. Listen, let's talk through this a different way.

A: I echo what you're saying, but.....

B: I hear you loud and clear and want you to consider solutions that resonate with you

A: In amplification of the point that I raised earlier....

B: Just to make sure that I have heard and understand you correctly...

Use of NLP during mediation sessions



Clues to Identifying Auditories

Hear	Speak	Listen
Say	Amplify	Talk
Tune-in	Remark	Narrate
Echo	Tone	Resonate

- Sounds good
 - I hear you
- Let's talk about it
- Don't give me static
- I'm in tune with that
- Tone of conversation
 - Voice your opinion
- Echo their sentiments
 - Amplify that point
 - Lend an ear
 - We are in harmony
 - It rings true
- The silent treatment
 - Debate the issue
 - Loud and clear
 - Argue the point

Auditory processing



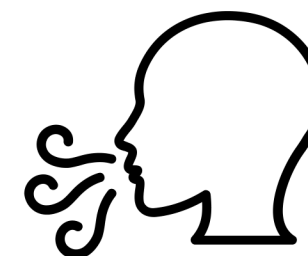
Posture

- relaxed posture
- not too upright nor hunched
- their heads may nod, bob or move from side to side, and their bodies may also shift from side to side almost as if they were moving to a beat inside their head



Gestures

- at chest height or mid-torso
- will generally move rhythmically and often in beat, and to emphasise the the impact of what is being said



Breath

- often at the mid-chest although this is often hard to detect



Rate of speech

- rhythmic, their pitch variable and can sometimes seem sing-song

Use of NLP during mediation sessions

Clues to Identifying Auditories

V **CONSTRUCT**

(constructing images never seen before)

V **REMEMBERED**

Remembered or recalled images

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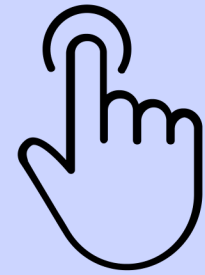
(accessing feelings & kinesthetic sensations (touch))

AI **INTERNAL DIALOGUE**

Talks with themselves



Clues to Identifying Kinesthetics



Kinesthetics make up about 20% of the population. They receive and organize information primarily on the basis of body sense and feeling

A: This doesn't feel right.

B: We just haven't connected with this matter in way that allows us to grasp the issues fully.

A: I don't think I can handle the manipulation

B: Maybe we should toss another couple of ideas around to bounce off each other to come to a solution.

A: I am not comfortable with the suggestion and need time to absorb the thought.

B: Let's come up with some tangible ideas to lay a firm foundation of our expectations.

Use of NLP during mediation sessions



Clues to Identifying Kinesthetics

Feel	Pressure	Absorb
Grab	Rub	Handle
Sense	Catch	Support
Bounce	Weigh	Connect

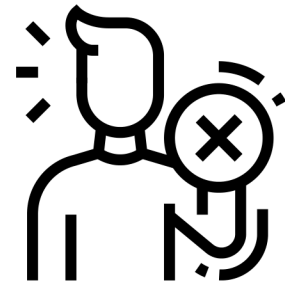
- Get a feel for
 - Point it out
- Toss this around
 - Get a grip
- I'm not following
- I'm not comfortable
 - It worries me
 - Make it tangible
 - What is the impact
- Slip through the cracks
 - Going to pieces
- Manipulate the data
 - Firm foundation
 - Merge our ideas
- Rubs the wrong way
 - Hold on a second

Kinesthetic processing



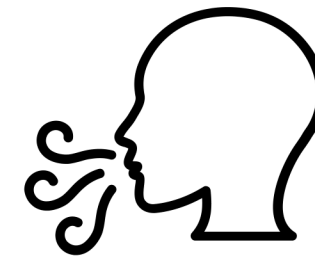
Posture

- hunched posture
- their heads are often angled downwards.
- They may also move very little, almost as if their bodies were very heavy



Gestures

- gestures, if any, are often at the lower torso and are generally not animated
- might move as if they were very heavy



Breath

- breathe deeply and fully as if they are sighing



Rate of speech

- speak relatively slowly and likely to be at a lower pitch (relative to their normal pitch register)

Use of NLP during mediation sessions

Clues to Identifying Kinesthetics

V **CONSTRUCT**

(constructing images never seen before)

V **REMEMBERED**

Remembered or recalled images

A **CONSTRUCT**

(constructing sounds never heard before)

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Remembered sounds

F **FEELINGS**

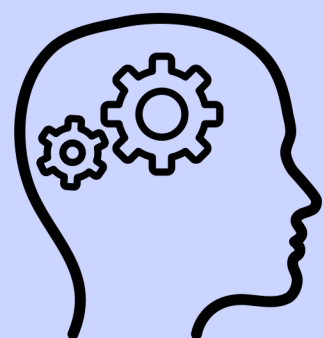
(accessing feelings & kinesthetic sensations (touch))

AI **INTERNAL DIALOGUE**

Talks with themselves



Clues to Identifying Audiodigitals



Represents a small 5% portion of the population. Audiodigitals are characterized as individuals who often have conversations with themselves inside their heads

A: I don't know what you mean.

B: I understand. Let's think about different ways to examine this issue to make it easier to comprehend.

A: I cannot comprehend his logic

B: With regards to your concern, let's consider and evaluate some options to strike a balance where we consider all possible solutions.

Use of NLP during mediation sessions

Clues to Identifying Audiodigitals



Accommodate	Contemplate	Deliberate
Evaluate	Experience	Comprehend
Understand	Identify	Ponder
Framework	Convey	Principle

- With regards to your concern
 - Considering the possibilities
 - A viable solution
- Analyze the potential
- Consider the options
 - Take a balanced approach

Audiodigital processing



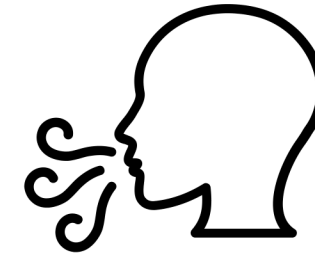
Posture

- upright posture
- with a relatively unmoving body
- their head is often tilted to the side as if listening to something



Gestures

- minimal hand gestures.
- may cross their arms when they speak or position a hand to their chin or the side of their head, almost as if they were listening to a telephone



Breath

- variable



Rate of speech

- variable rates of speech, pitch and breathing
- however, their choice of words will almost always be measured and precise

Use of NLP during mediation sessions

Clues to Identifying Audiodigitals

V **CONSTRUCT**

(constructing images never
seen before)

V **REMEMBERED**

Remembered
or recalled images

A **CONSTRUCT**

(constructing sounds never
heard before)

A **REMEMBERED**

Remembered
sounds

F **FEELINGS**

(accessing feelings &
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AI **INTERNAL DIALOGUE**

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Use of NLP during mediation sessions

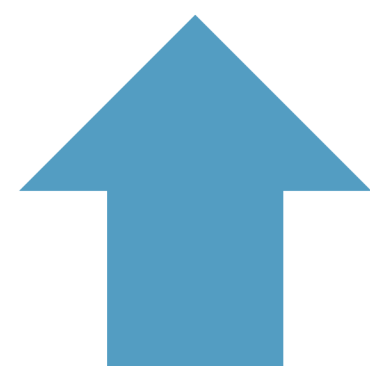
The value of identifying the problem during opening statements



Chunking up or down: Hierarchy of Ideas



The Hierarchy of Ideas is based on the understanding that language, concepts and ideas fall within a continuum of communication that range from specific details to big picture abstractions.



direction of abstraction and **to look at the bigger picture** or **interrelationships between things, ideas and concepts**

- What is this an example of?
- For what purpose/intent?
- What will this do for you?



direction of specificity and obtain **more details** (chunking down)

- What/Which specifically?
- What are examples of these?

Presuppositions & binds

Presuppositions are statements that assume the truth of something without explicitly stating it.

They operate on the principle that the mind tends to accept presupposed information as true, leading to a subtle influence on one's perception.

Utilizing presuppositions can guide someone toward a desired outcome or perspective.

“Share with me your side of the story.”

“Let’s identify solutions to that problem.”

“Let’s explore solutions to your problem.”

 YES

 NO

 MAYBE

Use of NLP during mediation sessions

Presuppositions & binds

“Share with me your side of the story.”

“Would you like to share with me your side of the story now or after the other participant has had a chance to speak?”

“Let’s identify solutions to that problem.”

“Sooner or later, we will begin to identify solutions to that problem.”

“Let’s explore solutions to your problem.”

“Would you like to explore solutions to your problem before or after the break?”

Use of NLP during mediation sessions

Four principles of communication

“we use the surrogate of language and language is in itself imprecise subject to misunderstanding”

- the map is not the territory
- the meaning of your communication is the response you get
- there's no failure only feedback
- develop flexibility in your communication

Use of NLP during mediation sessions

Other NLP skills used in mediation (tips)

- ▶ choice of words - purposeful language
- ▶ desensitizing of ISE (initial sensitizing event) (practical tips)
- ▶ building rapport (do's and don'ts) & children (practical tips)
- ▶ respecting privacy and safeguards (practical tips)
- ▶ intersection with domestic violence (discussion of obligation to report i.t.o. section 2B of the Domestic Violence Amendment Act)

Thank you:

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Eugene Opperman (Director, attorney & mediator from Oppermans Inc Attorneys)